

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

v.

JAMSHID NORIAN (1)
a.k.a JAMES NORIAN
DEHSHID NOURIAN (2)
a.k.a DAVID NOURIAN
CHRISTOPHER RYDBERG (3)
MICHAEL TABA (7)

NO. 3:17-cr-00155-L

DEFENDANT JAMSHID “JAMES” NORIAN’S (1) MOTION IN LIMINE

Defendant Jamshid “James” Noryian through undersigned counsel moves for a definitive ruling, see Fed. R. Evid. 103(b), excluding the categories of evidence set forth below. In the alternative, he moves for an in limine order requiring the Government to approach the bench before attempting to introduce such evidence.

1. Testimony Regarding Gentlemen’s Clubs/Strip Clubs

Mr. Noryian moves to exclude evidence of James Noryian’s or any family member’s or family entity’s involvement in Gentlemen’s clubs/strip clubs including, but not limited to, owning or operating as the landlord for strip club businesses or collecting rent from those businesses as this evidence is irrelevant and unduly prejudicial. Fed R. Evid. 401, 403.

First, any involvement in Gentlemen’s clubs/strip clubs does not have any tendency to make a fact more or less probable than it would be without the evidence. Fed. R. Evid. 401. Evidence is relevant if (a) it has any tendency to make a fact more or less probable than it would be without the evidence, and (b) the fact is of consequence in determining the action. *Id.* This evidence has no apparent nexus to the Government’s allegation that Mr. Noryian was involved in

a conspiracy to commit health care fraud, committed health care fraud, laundered money, or committed tax fraud. Furthermore, whether James Noryian, any family member, or family entity had any involvement in Gentlemen's clubs/strip clubs does not help determine a fact that is of consequence in this case.

Second, this evidence would have an undue tendency to suggest a decision on an improper basis. Fed R. Evid. 403. There is no probative value in James Noryian's or any family member's or family entity's involvement in Gentlemen's clubs/strip club businesses because it will not assist the jury in determining any relevant fact in issue. The only purpose of this evidence is to cast Mr. Noryian and the other co-defendants in a negative light and as such would be unduly prejudicial. Many individuals view any involvement in Gentlemen's clubs/strip clubs as inappropriate or disrespectful or it makes them uncomfortable. Some individuals would have a negative emotional reaction to this evidence. Accordingly, the probative value of any testimony regarding Gentlemen's clubs/strip clubs is outweighed by the prejudicial result to Mr. Noryian in this case.

2. References to the Prior Trial

Mr. Noryian asks the Court order all defendants and the government, including all parties' agents and others assisting with the trial, and witnesses not to mention, allude to, or otherwise refer to the prior trial of Mr. Noryian. Mr. Noryian also requests the Court direct that testimony and evidence from the previous trial shall be described as having been given in a prior proceeding.

Respectfully submitted,

/s/ Jeff Kearney

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CERTIFICATE OF CONFERENCE

I certify that on August 21, 2023, I conferred with Andrew Pogozelski and defense counsel for the defendants regarding this motion. All defendants are unopposed to the relief requested herein. The Government is opposed to Defendant's first request and unopposed to Defendant's second request.

/s/ Jeff Kearney

JEFF KEARNEY

CERTIFICATE OF SERVICE

I hereby certify this motion was electronically filed, and Assistant United States Ethan Womble, Andrew Pogozelski, and Edward Emokpae were electronically served via this Court's Electronic Filing System on the day of filing.

/s/ Jeff Kearney

JEFF KEARNEY